

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

THOMAS JULIAN, JR.,)	2:10cv1503
)	Electronic Filing
Petitioner,)	
)	Judge Cercone
v.)	Chief Magistrate Judge Lenihan
)	
COMMONWEALTH OF)	
PENNSYLVANIA, <i>et al.</i> ,)	
)	
Respondent.)	

MEMORADUM ORDER

This case is before the Court on Petitioner's Motion to Withdraw his Amended Petition for Writ of Habeas Corpus (ECF No. 21) and the Report and Recommendation of Chief Magistrate Judge Lisa Pupo Lenihan dated October 22, 2012, recommending that Petitioner's Motion be granted and that this action be dismissed without prejudice (ECF No. 23). The parties were served with the Report and Recommendation and informed that they had until November 8, 2012, to file written objections. No objections were filed and the time to do so has expired.

After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered.

AND NOW, this 3rd day of December, 2012,

IT IS HEREBY ORDERED that Petitioner's Motion to Withdraw his Amended Petition for Writ of Habeas Corpus (ECF No. 21) is **GRANTED**.

IT IS FURTHER ORDERED that the Amended Petition for Writ of Habeas Corpus (ECF No. 8) is **DISMISSED WITHOUT PREJUDICE**.

IT IS FURTHER ORDERED that the Report and Recommendation (ECF No. 23) dated October 22, 2012, is adopted as the opinion of the Court.

IT IS FURTHER ORDERED that the Clerk of the Court mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Petitioner has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.



David Stewart Cercone
United States District Judge

cc: Thomas Julian, Jr.
836 Linden Avenue
Apt. 37
East Pittsburgh, PA 15112

(Via First Class Mail)

Leanne K. Shipley, Esquire

(Via CM/ECF Electronic Mail)